REMARKS

I. Objections

The Examiner has objected to Claim 4 because of various spelling and grammatical informalities. Applicant has amended Claim 4. Accordingly, applicant respectfully submits that the objection to Claim 4 should now be obviated.

II. Claim Rejections Based on 35 U.S.C. §102

The Examiner has rejected Claims 1, 4-7, 10-12 and 15-18 under 35 U.S.C. §102(b) as being anticipated by Walker et al. (U.S. Pat. No. 6,142,872).

Applicant has amended Independent Claims 1 (upon which Claims 4-7 and 10 depend), 11 and 12 (upon which Claims 15-18 depend). Claims 6 and 17 have been canceled. Applicant has added to Independent Claims 1, 11 and 12 the limitation of the gaming tournament being a "live poker" gaming tournament in which players/users play "against one another." This amendment is supported by the Specification (e.g., see p. 1, Lines 16-23; and p. 8, Lines 3-5).

In order to be a proper rejection under §102(b), Walker et al. must teach each and every element claimed by the Applicant. Walker et al. does not teach the limitation of the gaming tournament being a live poker tournament in which players compete against one another. This is a fundamental difference

between the slot/video gaming machines described in Walker et al. and the live poker tournament in which players compete against one another described in Applicant's application. In live poker where players compete against other players (as opposed to competing against a machine) players have the ability to "bluff" or deceive other players. This critical element is missing from the gaming tournament concept of Walker et al. *See* Declaration under 37 CFR §1.132 of Richard Fitzhugh, submitted herewith and incorporated herein by reference. Live poker, as opposed to video or slot poker are essentially two distinct games since the skill of bluffing or deception, absolutely critical to live poker, is missing entirely from video poker. In video/slot poker, players do not play against one another, but instead play against a machine, depriving them of the ability to bluff. Therefore, Independent Claims 1, 11 and 12 as amended, are not anticipated under 35 U.S.C. §102(b) by Walker et al. And Claims 4-7 and 10, which depend upon amended Claim 1, and 15-18, which depend upon amended Claim 11, are also not anticipated under 35 U.S.C. §102(b) by Walker et al.

I. Claim Rejections Based on 35 U.S.C. §103

The Examiner has rejected Claims 8-9 and 19-20 under 35 U.S.C. §103(a) as being unpatentable over Walker et al.

The Examiner acknowledges that Walker et al. does not disclose the limitation of limiting a number of players to a predetermined number, or requiring teams to comprise a predetermined minimum or maximum number of players. The mere fact that references CAN be combined or modified, however does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. (MPEP 2143.01).

Walker makes no suggestion that it could be modified to have gaming tournaments with, for example, a maximum of 100 players with teams of no less than three players and no more than five players. The ability to construct gaming tournaments having various minimum and maximum numbers of players and team members creates the exciting possibility of certain gaming tournaments that may appeal to three-person teams, whereas other gaming tournaments may appeal to two-person teams. Examiner mistakenly refers to this feature as creating "a more secure gaming environment for a casino," (*See* Examiner's Office Action, Page 5, Lines 1-2) when in fact this feature has nothing to do with security, but instead relates to creating exciting team play.

In addition, Claims 1 and 11, upon which Claims 8-9 and 19-20 depend, respectively, have been amended. For the same reasons described above that Claims 1 and 11 are not anticipated

by Walker et al. Claims 8-9 and 19-20 are not obvious under Walker et al.

The Examiner has rejected Claims 2-3 and 13-14 under 35 U.S.C. §103(a) as being unpatentable over Walker et al. in view of Marks et al. While Marks et al. describes a gaming tournament, there is no discussion in the Marks et al. patent regarding team members, teammates or team play. There is no suggestion of calculating finishes for individual players based on the play of their teammates. The mere fact that the references may be combined or modified does not in itself render the resultant combination obvious. In re Mills, 916 F.2d 680 (Fed. Cir. 1990); *see also* MPEP 2143.01 - FACT THAT REFERENCES CAN BE COMBINED OR MODIFIED IS NOT SUFFICIENT TO ESTABLISH *PRIMA FACIE* OBVIOUSNESS. Furthermore, the level of skill in the art cannot be relied upon to provide the suggestion to combine references. Al-Site Corp. v. VSI Int'l Inc., 174 F.3d 1308 (Fed. Cir. 1999); *see also* MPEP 2143.01 - THE PRIOR ART MUST SUGGEST THE DESIRABILITY OF THE CLAIMED INVENTION. For these reasons, Applicant respectfully submits that such a combination is not obvious.

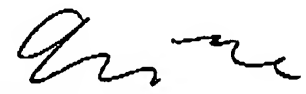
II. Conclusion

Applicant respectfully submits that this Amendment Letter, in view of the Remarks offered herein, is fully responsive to

all aspects of the objections and rejections tendered by the examiner in the Office Action.

This Amendment requires a $60 small-entity fee for a one-month extension. Please deduct this amount, along with any other fees incurred by this communication, from our Deposit Account NO. 23-0830.

Respectfully submitted,



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